Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	
Local Number Portability Porting Interval and Validation Requirements	WC Docket No. 07-244
Telephone Number Portability	CC Docket No. 95-116

JOINT REPLY COMMENTS OF
CEQUEL COMMUNICATIONS, LLC AND MCC TELEPHONY, LLC

Cequel Communications LLC, d/b/a Suddenlink Communications ("Suddenlink"), and MCC Telephony, LLC,[1] ("MCC") hereby file these joint reply comments in response to several recent comments to the Commission's request for comments concerning number porting validation and related procedures in its *Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking* ("*LNP Order and NPRM*")[2] in WC Dockets 07-244, 07-243, 04-36, and CC Docket 95-116, 99-200.

INTRODUCTION

Suddenlink and MCC are both facilities-based interconnected voice over Internet protocol ("VoIP") service providers that offer voice services primarily to residential subscribers in a number of different markets throughout multiple states.

[1] Formerly MCC Telephony, Inc.
[2] *In the Matter of Telephone Number Portability Requirements for IP-Enabled Services Providers, Local Number Portability Porting Interval and Validation Requirements*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531 (2007).

In combination with its video and broadband service offerings, Suddenlink currently provides voice communications service as an interconnected VoIP provider to residential subscribers in thirteen (13) states. Suddenlink offers its customers the full suite of services and features available from incumbent voice providers (including enhanced 911), and currently processes, on average, more than 1.3 million calls per day on its nationwide, managed IP network. In acquiring its new subscribers Suddenlink is required to engage in the porting process for approximately fifty percent (50%) of all new subscribers. Accordingly, Suddenlink is engaging in thousands of number port transactions with incumbent LECs on a weekly, and monthly, basis.

MCC is situated similarly to Suddenlink, in that in combination with the video and broadband offerings of its cable affiliates, MCC also provides voice communications service as an interconnected VoIP provider in a number of different markets in several states. Currently, over fifty-five percent (55%) of MCC's new voice service subscribers are porting their numbers from the incumbent providers. As a result, the porting process has a very significant impact on MCC's ability to acquire and retain new subscribers.

In these reply comments Suddenlink and MCC urge the Commission to focus on a critical element of the porting process: the exchange of information between carriers ***prior to*** the validation or completion of the port. If the information needed to complete a local service request ("LSR") form is not available to the porting-in provider, or is otherwise difficult to obtain (as is sometimes the case with account information or pass codes), the Commission's recent actions to make number porting processes more efficient may have the opposite effect. Namely, if the porting-out provider does not make that information available to the new (porting-in) provider, the validation rules adopted by the

Commission may result in an increase in port request rejections by the porting-out provider. Therefore, the Commission should rule that porting-out providers may ***only*** validate information based upon that information which is made available to the porting-in provider through the CSR process.

Suddenlink and MCC appreciate the Commission's recent attempts to establish more efficient and effective number porting processes. Those efforts are promoting the continued emergence of facilities-based residential competitive voice services, like those offered by MCC and Suddenlink. Although the Commission's recent actions are laudable, both MCC and Suddenlink believe that there are certain aspects of the recent four fields validation decision which should be clarified to ensure that the processes employed by providers in the wireline sector will not lead to an increase in the number of port requests that are rejected or delayed, based simply on information exchanged between two providers. The Commission should therefore address the issues raised in this filing, and clarify its existing rules in the manner requested herein.

THE COMMISSION SHOULD CLARIFY THAT *ONLY* INFORMATION AVAILABLE VIA CUSTOMER SERVICE RECORDS CAN BE USED TO VALIDATE A PORT REQUEST

In the *LNP Order and NPRM* the Commission asked interested parties to comment upon how "the information required for the validation fields we adopt herein affects the validation process, including any other ways that those validation fields could minimize the error rates or further reduce the amount of information that a porting-in entity must request from the porting-out entity prior to submitting the simple port

request."[3] In addition, the Commission sought comments on "any other considerations" that the Commission should evaluate in the simple port validation process.[4]

In response, several commenting parties have raised concerns with the use of certain information to validate a port request where such information is not available to the porting-in provider via the customer service records ("CSR") process, or not otherwise generally relied upon by either provider.[5] Suddenlink and MCC agree with the concerns raised by those parties, and urge the Commission to address these concerns by ruling that porting-out providers may only validate information based upon that information which is made available to the porting-in provider through the CSR process.

Specifically, MCC and Suddenlink urge the Commission to clarify that information which is used by a porting-out provider to validate a port request must first be made available to the porting-in provider via the CSR request process. In particular, the Commission should affirm that its current simple port validation rules require the porting-out provider to provide account information to the porting-in provider, in every instance where the porting-out provider uses such account information to validate a port request.

In the *LNP Order and NPRM* the Commission clearly ruled that "no entities obligated to provide LNP may obstruct or delay the porting process by demanding from

---

[3] *NPRM* at ¶ 59.
[4] *Id*.
[5] *See, e.g.,* Comments of Comments of One Communications Corp., WC Docket 07-243, *et. al*. at 7 (filed Mar. 24, 2008) (noting that customers' pass codes are not contained on CSR records); Comments of Comcast Corporation, WC Docket 07-243, *et. al.* at 11-13 (filed Mar. 24, 2008) (identifying potential problems with use of CPNI passwords as a basis for validating port requests); Comments of Socket Telecom, LLC, WC Docket 07-243, *et. al.* at 5-7 (filed Mar. 24, 2008) (asking the Commission to provide guidance on what information is needed to validate a port, in the context of considering what information is available to the NNSP requesting the port).

the porting-in entity information in excess of the minimum information needed to validate the customer's request."[6] Therefore, as a threshold matter, the Commission should recognize that any steps taken by carriers in response to the recent four fields validation rule which make porting more cumbersome and time-consuming are contrary to the Commission's clear purpose and intent, and should be expressly prohibited.

In particular, the Commission's decision that account information and pass codes be used for validation could produce an unintended result: further obstructions or delays in porting, and an increase in port reject requests. The problem arises because access to such information is not always readily available to the porting-in provider. Although some incumbent carriers (usually the porting-out providers) provide such information via the CSR process, that information is not always available to Suddenlink or MCC. For reasons that are not entirely clear, incumbent providers do not always consistently provide account information or pass code information in the CSR that is used to prepare the LSR form to request a port.

In such cases, the only way that Suddenlink or MCC can obtain such information is through the subscribers themselves, who may or may not have the information available. Indeed, the subscribers do not always have their account information available at the time they decide to change carriers, which means that the subscriber is often sent to hunt for a copy of a previous invoice, or the original service agreement, with varying degrees of success. Many customers destroy or dispose of invoices and billing statements after they have been paid, while others pay their bills on-line and would have to have access to their computers (and log on to their account on the provider's web page)

[6] *LNP Order and NPRM at ¶ 2.*

at the time they requested the port.

In other circumstances, even where the subscriber does have the account information, there are often delays or errors in transmitting that information to Suddenlink's, or MCC's, customer service representatives. Such problems arise where the subscriber provides inaccurate or incomplete information to MCC or Suddenlink, either by inadvertently omitting a digit on the account information, or by transposing a number or letter. And, admittedly, the error is not always caused by the subscriber, but may in fact be the result of Suddenlink's, or MCC's, customer service representative transposing or omitting a number or letter. But regardless of the source of the initial error, the result is inevitably the same: the porting-out provider will reject the LSR because it does not include accurate account information or a pass code. This makes for a frustrating experience for the customer.

Thus, the problem is twofold: first, account information and pass codes are often not available from the porting-out providers; and, second, when the porting-in provider must obtain that information from the subscriber, that process often leads to inadvertent errors and omissions, ultimately creating greater delays and rejections in the porting process. Indeed, when viewed in this light, it becomes clear that every account number or pass code employed to validate a simple port request simply represents a potential mistake. As such, although the Commission's intent was clearly to simplify the porting process, without a clarification of its intent with respect to validation on account numbers and pass codes, its ruling could actually complicate the process. In fact, without a clarification of this issue, Suddenlink and MCC expect that it will see higher port reject request rates than it is currently experiencing.

The solution to this problem is simple. The Commission should rule that information used by porting-out providers to validate simple port requests must be made available to the porting-in provider via the CSR records request process. In other words, account numbers (or pass codes, when used) should be used to validate simple port requests only if such information is available to the porting-in provides via the CSRs. This ruling should also clarify that carriers should not have to seek out undisclosed carrier-specific data in order to validate a simple port after obtaining proper verification for the change of service. In so doing, the Commission will shift the burden from subscribers (relieving them of the obligation to remember sixteen digit account numbers or search for old telephone bills in order to request a change in telephone service) to the carriers themselves.

And this solution is consistent with concerns that the Commission has recently raised in the context of subscriber attempts to change carriers. As other commenting parties have noted,[7] the Commission recently modified carrier change verification rules, and in so doing expressly concluded that that process should not be undermined or delayed where customer information does not match, precisely, information in the request. Specifically, in response to a concern that executing carriers could use the customer change verification process as a means to delay or deny carrier change requests, the Commission concluded that it is not permissible to for the executing carrier to block a carrier change submission based on the executing carrier's own finding that the customer's information does not match exactly the information in the executing carrier's

[7] Comments of Socket Telecom, LLC, WC Docket 07-243, *et. al.* at 4-6 (filed Mar. 24, 2008)

records.[8]

The Commission should recognize that the same concerns exist in the number porting scenarios as well. Where information used to validate a simple port request is not available via the CSR process, the porting-out providers can use the validation process as an excuse to delay, or deny, a subscriber's attempts to move from one provider to another. That result is clearly contrary to the Commission's stated goals, and must not be permitted under the guise of compliance with the Commission's recent decision concerning the validation of simple port requests.

Finally, Suddenlink and MCC are concerned with the possibility that certain carriers may propose to use the passwords that they have created for the protection of their customers' Customer Proprietary Network Information ("CPNI") for porting purposes. MCC and Suddenlink object to this usage because it raises serious security issues. In response to the FCC's *VoIP CPNI Order*,[9] which expanded responsibility for the protection of CPNI to IP-enabled voice providers, the industry has taken extensive steps to bring its processes, with respect to the protection of CPNI and other customer proprietary information, into compliance with FCC requirements. To encourage competing carriers to ask for this information (CPNI passwords) during routine sales calls would seriously undermine the security of CPNI, and other customer proprietary information. Furthermore, to require carriers to obtain such passwords for porting purposes seemingly conflicts with the Commission's intent (limiting third-party access to

---

[8] *See Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Polices and Rules Concerning Unauthorized Changes of Customers' Long Distance Carriers*; Order, 23 FCC Rcd 486 (rel. Jan 24, 2008).

[9] *In re Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, at ¶ 54 (2007).

such information) in having carriers institute such passwords in the first place. Suddenlink and MCC therefore urge the Commission to clarify that it is not the Commission's intention that CPNI passwords ever be used for validating, or completing, number porting transactions between providers.

CONCLUSION

Because of the central role of number porting in the development and emergence of true, facilities-based competition in the residential and enterprise voice services market, the Commission must not let the problems described herein go unheeded. Indeed, to ensure the continued viability and growth of competitive residential voice service providers like Suddenlink and MCC, the Commission should take this opportunity to clarify that its rules require the porting-out provider to validate simple port requests ***only*** on information that is made available to the porting-in provider via the CSR process.

Respectfully submitted,

_/s/ _K.C. Halm_____

Dennis L. Moffit
CEQUEL COMMUNICATIONS LLC,
d/b/a SUDDENLINK COMMUNICATIONS
12444 Powerscourt Drive
Suite 140
St Louis, MO 63131
(314) 315-9358

Anna Sokolin-Maimon
MCC TELEPHONY, LLC
100 Crystal Run Road
Middletown, NY 10941
845-695-2610

K.C. Halm
Richard Gibbs
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006
(202) 659-9750

On behalf of

Cequel Communications LLC
d/b/a Suddenlink Communications
and
MCC Telephony, LLC

Dated: April 21, 2008